

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6465

BILL NUMBER: SB 174

NOTE PREPARED: Dec 3, 2003

BILL AMENDED:

SUBJECT: Fetal Viability.

FIRST AUTHOR: Sen. Waterman

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a fetus that is at least 20 weeks of age is presumed to have attained viability. It makes conforming amendments.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Under current law, a person may be convicted of feticide for knowingly or intentionally terminating a human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. Viability outside of the womb does not have to be proved. Feticide is a Class C felony.

This bill could increase the number of cases in which a person could be charged and convicted of either murder or voluntary manslaughter if the fetus in question can be classified as being viable because it reached this 20-week threshold.

The following shows the potential sentences for these crimes.

Offense	Felony Class	Potential Sentence
Murder	Murder	Death Penalty, Life Without Parole, or 65 years
Voluntary Manslaughter	Class B or Class A if committed with deadly weapon	20 to 50 years for Class A 6 to 20 years for Class B
Feticide	Class C	2 to 8 years

The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could increase legal defense costs paid by the counties if the defendant is indigent.

Explanation of Local Revenues:

State Agencies Affected: Department of Corrections.

Local Agencies Affected: Local courts.

Information Sources: Department of Correction.

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